

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN VANGUARD AIRLINES, INC., DEBTOR AND DEBTOR-IN-POSSESSION, CHAPTER 11 UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MISSOURI, CASE NO. 02-50802-JWV, AND HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, FOR PAYMENT TO THE AIRPORT OF PASSENGER FACILITY CHARGES, HELD IN TRUST FOR THE BENEFICIAL INTEREST OF THE AIRPORT IN THE AMOUNT OF \$71,620.00 AND FOR OTHER PURPOSES.

WHEREAS, on July 30, 2002, Vanguard Airlines, Inc. ("Vanguard") filed a voluntary petition for relief under Chapter 11 of Title 11 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the Western District of Missouri and is operating as a debtor and debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code; and

WHEREAS, Vanguard, as an air carrier, is required to collect passenger facility charges ("PFCs") under 49 U.S.C. § 40117 and 14 C.F.R. part 158; and

WHEREAS, Vanguard did not remit all PFCs due to the Airport and on or about June 5, 2003, Vanguard filed an Adversary Proceeding against the Airport to retain the collected PFCs and, in an effort to minimize legal claims, Vanguard agreed not to serve complaints on the airport pending settlement negotiations; and

WHEREAS, the Airport and Vanguard have reached a settlement amount of \$71,620.00 which is sufficient to resolve disputed claims against the PFCs owed the Airport and, without further litigation, Vanguard has agreed to dismiss with prejudice the adversary proceedings against the Airport; and

WHEREAS, the City Attorney considers it to be in the best interest and appropriate to agree to the Settlement Agreement and to settle all claims in satisfaction of Vanguard Airlines obligation to the Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

- (1) That the City Attorney on behalf of the Mayor is authorized to enter into and execute a Settlement Agreement with Vanguard Airlines, Inc. for the purpose of resolving disputed PFC trust fund claims and accepts settlement of these disputed claims in the amount of \$71,620.00.



BE IT FINALLY RESOLVED that said Settlement Agreement shall not become binding upon the City and the City shall incur no obligation or liability thereunder until the same has been signed by the City Attorney on behalf of the Mayor and delivered to Vanguard Airlines, Inc.

A true copy,

Thonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JUN 07, 2004
JUN 14, 2004

RCS# 5776
6/07/04
2:34 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S)1-17, EXCEPT: 04-R-1017
 04-O-0932 04-O-0933 04-R-0986
 ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 1
ABSENT 1

E Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
B Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

		6-07-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-0802 2. 04-O-0803 3. 04-O-0804 4. 04-O-0877 5. 04-O-0930 6. 04-O-0924 7. 04-O-0929 8. 04-O-0787 9. 04-O-0654 10. 04-O-0655 11. 04-O-0817 12. 04-O-0818 13. 04-O-0819 14. 04-O-0820 15. 04-O-0939 16. 04-R-1002 17. 04-R-1003 18. 04-R-1004 19. 04-R-1005 20. 04-R-1010 21. 04-R-1011 22. 04-R-1012 23. 04-R-1015 24. 04-R-0935 25. 04-R-1008 26. 04-R-1000 27. 04-R-1001 28. 04-R-0942 29. 04-R-0927 30. 04-R-0943 31. 04-R-1019 32. 04-R-0635 33. 04-R-0989 34. 04-R-0991 35. 04-R-0993 36. 04-R-0814 37. 04-R-0926 38. 04-R-0994 39. 04-R-0995 40. 04-R-0996 41. 04-R-0997 42. 04-R-0998	43. 04-R-1023 44. 04-R-1024 45. 04-R-1025 46. 04-R-0979 47. 04-R-0980 48. 04-R-0981 49. 04-R-0982 50. 04-R-0983 51. 04-R-0984 52. 04-R-0985 ITEMS ADVERSED ON CONSENT 53. 04-R-0944 54. 04-R-0945 55. 04-R-0946 56. 04-R-0947 57. 04-R-0948 58. 04-R-0949 59. 04-R-0950 60. 04-R-0951 61. 04-R-0952 62. 04-R-0953 63. 04-R-0954 64. 04-R-0955 65. 04-R-0956 66. 04-R-0957 67. 04-R-0958 68. 04-R-0959 69. 04-R-0960 70. 04-R-0962 71. 04-R-0963 72. 04-R-0964 73. 04-R-0965 74. 04-R-0966 75. 04-R-0967 76. 04-R-0968 77. 04-R-0969 78. 04-R-0970 79. 04-R-0971 80. 04-R-0972 81. 04-R-0973 82. 04-R-0974	83. 04-R-0975 84. 04-R-0976 85. 04-R-0977 86. 04-R-0978

04-~~4~~-1019

(Do Not Write Above This Line)

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A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN VANGUARD AIRLINES, INC., DEBTOR AND DEBTOR-IN-POSSESSION, CHAPTER 11 UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MISSOURI, CASE NO. 02-50802-JWV, AND HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, FOR PAYMENT TO THE AIRPORT OF PASSENGER FACILITY CHARGES, HELD IN TRUST FOR THE BENEFICIAL INTEREST OF THE AIRPORT IN THE AMOUNT OF \$71,620.00 AND FOR OTHER PURPOSES.

SIGNATURE LINE

[Signature]

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date 6/1/04
Chair H. S. Shab
Referred To P. S. Shab

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

JUN 07 2004

COUNCIL

Refer To

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☒ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

JUN 07 2004

COUNCIL PRESIDENT

JUN 07 2004

MUNICIPAL CLERK

MAYOR'S ACTION

JUN 14 2004

MAYOR